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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,216	10/22/2003	Richard A. Han	10806.00	9545

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EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
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2131

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/691,216

Applicant(s)

HAN ET AL.

Examiner

Aravind K. Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date see attachment.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the communications filed on 23 November 2004.
2. Claims 1-18 are pending in the application.
3. Claims 1-18 have been rejected.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

5. The examiner has considered the information disclosure statement filed on 4 June 2004 and 23 November 2004.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 10-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 10-12 are directed towards a computer program, preferably on a data carrier or computer readable medium. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm

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in Benson were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a result would exalt form over substance. In re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) ("[E]ach invention must be evaluated as claimed; yet semantogenic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under Sec. 101, the claimed invention, as a whole, must be evaluated for what it is.") (quoted with approval in Abele, 684 F.2d at 907, 214 USPQ at 687). See also In re Johnson, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) ("form of the claim is often an exercise in drafting").

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuprionas U.S.

Patent No. 6,948,168 B1.

As to claim 1, Kuprionas discloses a system for controlling access to or distribution of software and/or data among a plurality of client nodes, the system comprising:

means for storing software and/or data that is to be made available to pre-determined client nodes, and a list of identifiers, each of which uniquely identifies one of the pre-determined nodes [column 7, lines 7-26]; and

a client application at each client node that is configured to identify whether the unique identifier for that node is included on the list and allow access to the software and/or data only if it is [column 7, lines 7-26].

As to claim 2, Kuprionas discloses that the means for storing the software and/or data and unique client identifiers is portable [column 5, lines 45-60].

As to claim 3, Kuprionas discloses that the means for storing the software and/or data and unique client identifiers comprises a CD [column 5, lines 45-60].

As to claim 4, Kuprionas discloses that the means for storing the software and/or data and unique client identifiers comprises a floppy disc [column 5, lines 45-60].

As to claim 5, Kuprionas discloses that the client nodes are part of a communications network [column 5 line 61 to column 6 line 4].

As to claim 6, Kuprionas discloses that the means for storing is provided in a shared information storage area that can be remotely accessed by at least some or all of the client nodes [column 5 line 61 to column 6 line 4].

As to claims 7, 11, 14 and 17, Kuprionas discloses that the client application is operable to generate a unique identifier for its host node and compare this with the unique identifiers on the authorized list, thereby to identify whether the unique identifier for that node is on the list .

As to claims 8, 12, 15 and 18, Kuprionas discloses that the client application uses node specific data to generate the unique identifier [column 7, lines 7-26].

As to claim 9, Kuprionas discloses a method for controlling access to or distribution of software and/or data among a plurality of client nodes, the method comprising:

storing in association with the software and/or data, a list of unique identifiers, each of which uniquely identifies one of the pre-determined nodes [column 7, lines 7-26];

identifying whether a unique identifier for a particular node is included on the list [column 7, lines 7-26]; and

loading or installing or using the software and/or data at that particular node only if its unique identifier is on the list [column 7, lines 7-26].

As to claim 10, Kuprionas discloses a computer program, preferably on a data carrier or computer readable medium, the computer program having code or instructions for:

identifying a unique identifier associated with its host terminal [column 7, lines 7-26];

reading a list of unique identifiers associated with software and/or data, each unique identifier being uniquely associated with one of a plurality of client nodes or terminals [column 7, lines 7-26]; and

allowing access to the software and/or data only if the unique identifier for the host node or terminal is on the list of unique identifiers [column 7, lines 7-26].

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As to claim 13, Kuprionas discloses a client node or terminal comprising:

means for reading a list of unique identifiers associated with software and/or data, each unique identifier being uniquely associated with one of a plurality of client nodes or terminals [column 7, lines 7-26]; and

means for loading or installing or using the software and/or data only if its own unique identifier is on the list of unique identifiers [column 7, lines 7-26].

As to claim 16, Kuprionas discloses a self-service terminal or automated teller machine comprising:

means for reading a list of unique identifiers associated with software and/or data, each unique identifier being uniquely associated with one of a plurality of self-service terminals or automated teller machines [column 7, lines 7-26]; and

means for loading or installing or using the software and/or data only if its own unique identifier is on the list of unique identifiers [column 7, lines 7-26].


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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy 
February 9, 2007


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